



INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference CA020072		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/GB 03/04336	International filing date (day/month/year) 03.10.2003	Priority date (day/month/year) 04.10.2002	
International Patent Classification (IPC) or both national classification and IPC H04Q7/22, G06F17/60			
Applicant INTERNATIONAL BUSINESS MACHINES CORPORATION et al			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input checked="" type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>			
Date of submission of the demand 03.11.2003		Date of completion of this report 08.12.2004	
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer Pérez, M Telephone No. +31 70 340-4178 	

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB 03/04336

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-38 as originally filed

Claims, Numbers

1-28 as originally filed

Drawings, Sheets

1/21-21/21 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos. 24-28

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (specify):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☒ no international search report has been established for the said claims Nos. 24-28

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the Standard.

☐ the computer readable form has not been furnished or does not comply with the Standard.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	3-9,11-14,19
	No: Claims	1,2,10,15-18,20-23
Inventive step (IS)	Yes: Claims	
	No: Claims	1-23
Industrial applicability (IA)	Yes: Claims	1-23
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following document:

D1: WO 98/42173 A (LAHTI SEPPO ENSIO ; TELAMA SAMI PEKKA (FI);
FD FINANSSIDATA OY (FI); L) 1 October 1998 (1998-10-01)

2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1, 21, 22 and 23 is not new in the sense of Article 33(2) PCT.

2.1. The document **D1** discloses (the references in parentheses applying to this document):

A method for generating an SMS business message for processing by a software application (page 1, lines 3-5 and fig.1) comprising the steps of:

a data collection interface accepting outgoing instructions and outgoing data from said software application (page 2, lines 10-13, page 3, lines 11-13 and page 6, lines 29-31)

a message encoding engine encoding said outgoing instructions and outgoing data from said software application using an encoding template to generate the SMS business message as categorized SMS message formatted for processing by a data processing system and a dispatcher runtime processor processing said SMS business message for transmission over a network to a recipient (page 7, lines 26-33 and fig.3).

Consequently, the subject-matter of claim 1 is not new (Article 33(2) PCT).

More generally, from the description, it seems that the invention is directed to mimic business transactions where business forms (like those used in paper sheets) are exchanged between a business provider and a client and whereby transaction information is now automatically translated in a "standardised" SMS business message comprising the corresponding transaction information. **The subject-matter of a claim directed to the automatisisation of a known process, even if it implies less errors in formatting, cannot be taken as an argument for an inventive step.**

2.2. The subject-matter of independent claims 21 and 22 corresponds in terms of apparatus and computer program features respectively to that of claim 1. The objection raised in respect of claim 1 also applies, mutatis mutandis, to claims 21 and 22.

Consequently, the subject-matter of claims 21 and 22 is not new (Articles 33(2) PCT).

2.3. Document D1 also discloses (the references in parentheses applying to this

document):

A method for processing an incoming e-commerce SMS response message received by a server from a recipient responding to an outgoing e-commerce SMS message (fig.3), comprising:

receiving said SMS (page 8, line 16-18); decoding an encryption string within SMS with an appropriate key to verify that said response message is directed to said server (page 10, lines 29-33); extracting identification from said SMS for processing information in said response (page 8, lines 20-25); identifying and obtaining a corresponding inbound template for said response message from said server; parsing said response message with said inbound template to extract data and instructions contained in said response message (page 7, lines 15-18; once identified the type of transaction, the facts of selecting the correspondent template for that transaction and parsing the content of the message are necessarily made in order to process the message, i.e. it is an implicit feature).

The subject-matter of claim 23 is therefore not new (Articles 33(2) PCT).

3. Dependent claims 2-20 do not appear to contain any additional features which, in combination with the features of any claim to which they refers, meet the requirements of the PCT with respect to novelty and/or inventive step, the reasons being as follows:

claims 2, 10, 15-18, 20: These features are directly derivable from the disclosure of document D1 (see page 7, lines 31-32-page 8, line 29; page 10, lines 29-30).

claims 3-6,8-9: The features of claims 3-6,8,9 only define the content of the message in terms of transaction information and not in terms of technical features which are solving a technical problem. **Therefore, claims 3-6, 8-9 do not contain any additional technical feature** which involves an inventive step over the disclosure of document D1.

claims 7, 19: These features are merely several straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill.

claims 11-14: In the field of data communication, it is well known to add meta-data to a message. This meta data have been introduced in the field of data communication to provide specific information related to the message (category of the content, format of the message or the way of processing it). Hence, the skilled person would realise that use of meta-data is perfectly suitable for transmitting instructions to the entity which process the SMS-messages.